

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

RUSSELL MILLIEN

CIVIL ACTION NO. 05-1580

-vs-

JUDGE LITTLE

RICHARD STALDER, ET AL.

JUDGMENT

Before the court is a report and recommendation of the magistrate suggesting that the § 1983 complaint filed by pro se petitioner Russell Millien (“Millien”) be dismissed with prejudice as frivolous and for failure to state a claim upon which relief can be granted. Millien has timely filed an objection¹ to the magistrate’s report.² After full record review, we adopt the reasoning and conclusion of the magistrate. Millien’s complaint is **DISMISSED WITH PREJUDICE**.

Alexandria, Louisiana

1 March 2006



F. A. LITTLE, JR.
UNITED STATES DISTRICT JUDGE

¹ This court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations by the magistrate. See 28 U.S.C. § 636(b)(1); LR 74.1W(B); United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989). The district court is not, however, required to reiterate the findings and conclusions of the magistrate if found to be correct. See Warren v. Miles, 230 F.3d 688, 694-95 (5th Cir. 2000); Koetting v. Thompson, 995 F.2d 37, 40 (5th Cir. 1993).

² Millien observes that both at the time of the alleged constitutional violations and at present, he has been incarcerated at the Avoyelles Correctional Center in Cottonport, Louisiana, rather than the Winn Correctional Center in Winnfield, Louisiana, as the magistrate’s report states.